

R₁ is unsubstituted or substituted isothiazolyl;
unsubstituted or substituted thiazolyl;
unsubstituted or substituted thienyl;

R₂ is a group having R₅ as monocycle with no
heteroatom and no two of R₆-R₉ can form a ring.

Group III, claims 8-28 (in part) drawn to compounds and
compositions of formula IA wherein:

R₁ is unsubstituted or substituted tetrazolyl;
unsubstituted or substituted triazolyl;

R₂ is a group having a R₅ as a monocycle with no
heteroatom and no two of R₆-R₉ can form a ring.

Group IV, claims 8-28 (in part), drawn to compounds and
compositions of formula IA wherein:

R₁ is unsubstituted or substituted imidazolyl;
unsubstituted or substituted pyrazolyl;

R₂ is a group having R₅ as a monocycle with no
heteroatom and no two of R₆-R₉ can form a ring.

Group V, claims 8-28 (in part), drawn to compounds of
formula IA wherein:

R₁ is unsubstituted or substituted pyrrolyl;

R₂ is a group having R₅ as a monocycle with no
heteroatom and no two of R₆-R₉ can form a ring.

Group IV, claims 8-28 (in part), drawn to compounds of
formula IA that are not covered in Groups II-V.

The Examiner also indicates that should either Group I or VI be chosen, further restriction and election of species will be required.

The Examiner contends that the restriction is proper since the inventions of Groups II-VI differ from each other because each group is drawn to a ring system that is distinct and patentable over the others. The Examiner notes that with the instant variable core, the common property that the compounds share is insufficient to keep the five groups in the same Markush claim. He also notes that a prior art reference that would render one invention obvious would not do so for any other.

The Examiner then goes on to indicate that Group I and Groups II-VI are related as product and process of use. He then indicates that since the process for using the product could be practiced with another product, such as other HIV treatment compounds, this restriction is also proper. Applicants respectfully traverse.

Applicants respectfully submit that the prior art search that would be required for Examination of the full set of claims would not be unduly burdensome. In fact, the present set of claims was designed in accordance with the Restriction Requirement in the priority application 08/601,030 dated August 26, 1997. That is, the claims of the instant application were

all considered to be contained within a single restriction group in the prior application. Applicants therefore strongly urge the Examiner to reunite all of the restriction groups and examine them as a single invention. In order to be fully compliant with 37 CFR 1.143, however, Applicants elect restriction Group II.

Applicants request early allowance of all of the claims.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Leonard R. Svensson (Reg. No. 30,330) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17;

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope to: Commissioner of Patents and Trademarks, Washington

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

D.C. 20231 on: 4-30-03
(Date of deposit)

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By [Signature]
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